

HOUSE No. 1640

By Miss Garry of Dracut, petition of Colleen M. Garry relative to testing persons convicted of sexual assault for the HIV virus. Public Health.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROTECTING VICTIMS OF SEXUAL ASSAULT.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 265 of the General Laws, is hereby amended by
2 inserting after section 24C the following section:—

3 Section 24D. (a) Within 14 days after conviction of any crime
4 listed in section 13B, 13F, 13H, 22, 22A, 23, 24, or 24B of this
5 Chapter, the person convicted shall submit to medical testing to
6 determine the presence of Human Immune Deficiency Virus and
7 the results of said testing shall be made available to the person
8 tested and to the complaining witness of the crimes for which the
9 conviction stands.

10 (b) Said testing shall be conducted under the direction of the
11 Superintendent, Warden or Sheriff of any institution in which the
12 convicted person is held in custody, or under the direction of the
13 Probation Department of the Court in which the conviction
14 occurred, if the person convicted is not held in custody.

15 (c) Notwithstanding any general or special law to the contrary,
16 no person required to be tested under this Section may be eligible
17 for parole, work release, education release, or transfer to any
18 facility except a maximum or medium security facility, nor shall
19 said person accrue any credits for deductions for early release
20 from his sentence until such time said testing is completed.

21 (d) Any person refusing to submit to testing under this section
22 shall be returned to the Court of his conviction within seven days
23 following such refusal, and shall show cause why said person
24 shall not be held in contempt of said Court. At said hearing, the

25 Court may, in its discretion, sentence said person for contempt,
26 revoke and revise the person's sentence, or both. Such refusal
27 shall also constitute sufficient grounds for a Court to find a person
28 in violation of any period of probation.